

## PATENT COOPERATION TREATY

PCT

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 25 JAN 2005

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Applicant's or agent's file reference P3210PC/GC16		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/07479	International filing date (day/month/year) 10.07.2003	Priority date (day/month/year) 30.07.2002	
International Patent Classification (IPC) or both national classification and IPC B28B19/00			
Applicant BUILDMATE AS			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  16.02.2004		Date of completion of this report  03.11.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Real Cabrera, R. Telephone No. +31 70 340-4256 	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/07479**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-21 as originally filed

**Claims, Numbers**

1-40 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	7,8,15-33,36,38-40
	No: Claims	1-6,9-14,34,35,37
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	-

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: US-A-4 588 443 (BACHE HANS H) 13 May 1986 (1986-05-13)

- 2.1 Regarding **claim 1**, it must be considered that an expression as "optionally" has no limiting effect on the scope of the claim. Thus, the features following such expression are to be regarded as entirely optional (see PCT Guidelines, Section IV, III-4.6).
- 2.2 In **claims 5 and 6** it appears that the reference to step "*(I)*" should be replaced by step "*(i)*" (Article 6 PCT).
- 2.3 Regarding **claim 7**, the attention of the applicant is drawn to the fact that expressions in brackets which do not contain reference signs are not allowable, cf. PCT Guidelines, Section IV, III-4.11.
- 2.4 **Claims 9 and 22-25** do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. The technical features necessary for achieving this result should be added.
- 2.5 The expressions "*weight average particle size*" and "*number average particle size*" used in **claims 11 and 13** are not clear (Article 6 PCT). Further specification on the intended meaning of said expressions should be used.
- 2.6 It appears that **claim 12** should be dependent on **claim 11** instead of on **claim 6**.
- 2.7 **Claim 28** is not consistent with the description (Article 6 PCT), cf. page 13, line 3. If it is a typographic error, the same correct values should appear in the description and in the claims.

3. Document D1 discloses (cf. column 1, lines 17-52; column 2, line 7 - column 3, line 10; and, column 65, line 61 - column 66, line 68) a *method for the surface treatment of a substrate comprising:*
- (i) *spreading a layer of hardenable paste over a surface area of the substrate to be treated (cf. column 49, line 61 - column 50, line 53), the paste comprising at least first and second populations of particles co-dispersed in a water-containing phase, the second population being sufficiently small to pack the interstices between particles of the first population with which it is co-dispersed, at least one of the first and second populations being of reactive binder particles (i.e. a DSP system as disclosed in document D1),*
  - (ii) *covering a surface area of the paste layer with a plate having an upper-surface and a smooth under-surface (cf. column 65, line 61 - column 66, line 68; normal procedure when using a compression shaping and it is intended to obtain a smooth surface), such that the smooth plate under-surface is in intimate contact with and conforms to the contours of that surface area of the paste layer, thereby providing a plate-covered area of the paste layer,*
  - (iii) *optionally vibrating the plate-covered area of the paste layer (cf. column 50, lines 15-16), such that vibration is transmitted through the plate to the paste layer, and*
  - (iv) *either removing the plate then hardening the paste layer on the substrate, or at least partially hardening the paste layer on the substrate with the plate in place.*

The subject-matter of **claim 1** is therefore not novel (Article 33(2) PCT).

4. Dependent **claims 2-40** do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:
- 4.1 The additional features of **claims 2-6, 9-14, 34, 35 and 37** are already disclosed in document D1.
  - 4.2 The additional features of **claims 7, 8, 15-33, 36 and 38-40** appear to be operational procedure steps already known in the art and, therefore, appear to be obvious possibilities for the skilled person.
5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

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disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

6. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).